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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,102	03/14/2001	Takashi Kimura	P107400-00026	1508
75	90 08/09/2002			
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC 1050 Connecticut Avenue, N.W., Suite 600 Washington, DC 20036-5339			EXAMINER	
			NGUYEN, JOSEPH H	
			ART UNIT	PAPER NUMBER
•			2815	
		DATE MAILED: 08/09/2002	DATE MAILED: 08/09/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.	a			· Chr				
## Examiner			Application No.	Applicant(s)				
Joseph Nguyen   Z815	Office Action Summary		09/805,102	KIMURA, TAKASHI				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address— Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of the may be sevialed under the provisions of 3 CER 1.13(6). In or event, however, may a ripry be timely fled  If the period for may be specified above a less than Pility (30) days, as reply within the statutory period will agree and use egits 180, MONTHS from the mailing date of this communication if 180 operator for reply a specified above, the maximum statutory period will agree and use egits 180, MONTHS from the mailing date of this communication is 180 operator of reply as the contributory period will agree and use egits 180, MONTHS from the mailing date of this communication, event if entirely this, may reduce any  Status  1)  Responsive to communication(s) filled on			Examiner	Art Unit				
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extractions of three may be available under the provisions of 37 CPR 1.136(a), in no event, however, may a reply be timely filed.  Extractions of three may be available under the provisions of 37 CPR 1.136(a), in no event, however, may a reply be timely filed.  If the period for reply is specified above, the maximum statutory period will apply and will expire 30% (b) MONTHS from the mailing date of this communication. Pallow representation of the provision and a statutory provision and provision and statutory period will apply and will expire 30% (b) MONTHS from the mailing date of this communication, proving the provision of the provision and pro								
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3 of En 1.15(a). In no event, however, may a reply be timely filed after SX (6) MONTHS from the mailing date of this communication.  False SX (6) MONTHS from the mailing date of this communication.  False to reply within the set of extended period for reply will. by statutory previously payed will be appeal size (6) MONTHS from the mailing date of this communication.  False to reply within the set of extended period for reply will. by statuto, cause the application to become ARANDONED (33 U.S. C. § 133). Any reply received by the Office date than three mornisms after the mailing date of this communication, even if timely fred, may reduce any Status.  Status  1) Responsive to communication(s) filed on by this action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-9 is/are pending in the application.  4a) Of the above claim(s) is/are rejected.  7) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) 1-9 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) coepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11) The proposed drawing correction filed on is a all paproved by the Examiner.  12) The eath or declaration is objected to by the Examiner.  13 Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  14 Acknowledgment is made of a claim for domestic priority documents have been received.  15 Certified copies of the priority documents have been received in Application No.  16 Copies of the certified copies of the priority documents have been rece								
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## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention: The embodiment illustrated in Figure 1;the embodiment illustrated in Figure 3.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, there is no generic claim.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over

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the prior art, the evidence or admission may be used in a rejection under 35

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U.S.C. 103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by

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a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Nguyen whose telephone number is (703) 308-1269. The examiner can normally be reached on Monday-Friday, 7:30am-4: 30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (703) 308-1690. The fax phone number for the organization where this application or proceeding is assigned is (703)-308-7382 for regular communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

JN

August 7, 2002

ALLAN R. WILSON PRIMARY EXAMINED